

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CASE NO. 19-CR-20159

Plaintiff,

HON. VICTORIA ROBERTS

v.

D-1 ARADONDO HASKINS,

Defendant.

GOVERNMENT'S SENTENCING MEMORANDUM

The United States of America respectfully submits this Sentencing Memorandum regarding defendant Aradondo Haskins, who is scheduled to be sentenced on September 12, 2019.

INTRODUCTION AND FACTUAL BACKGROUND

Aradondo Haskins was employed as an “estimator” with Adamo. Adamo is a private, “for profit,” company which provides demolition services throughout the United States and Canada, including the City of Detroit. Haskins’s responsibilities at Adamo included assembling bid packages in response to “Requests for Proposals” (RFPs) issued by the City of Detroit. Adamo responded to the RFPs by submitting bids to the City hoping to secure demolition contracts by being the

lowest bidder. In assembling the bid packages, Haskins contacted various subcontractors requesting bids for work to be included in Adamo's submissions. "*Contractor A*" was one of the subcontractors who received Haskins's invitation to bid. On several occasions, *Contractor A* paid Haskins money for disclosing confidential information about bids from *Contractor A*'s competitors. In return for these payments, Haskins disclosed confidential information about the lowest competitor bid which allowed *Contractor A* to submit an even lower bid, ensuring that *Contractor A* was awarded lucrative contracts.

Due in large part to his experience at Adamo, Haskins was hired by the City of Detroit Building Authority (DBA) as a "Field Operations Manager" for its demolition program. As an official of the City of Detroit, Haskins was the primary point of contact for demolition contractors and he opened and read bids contractors submitted in response to RFPs. *Contractor A*, knowing that Haskins was still in a position to influence the demolition contract bidding process, continued to pay Haskins to use his official authority to influence the awarding of demolition related contracts to *Contractor A*. Haskins accepted the cash bribe payments from *Contractor A* in exchange for providing *Contractor A* confidential information about bids submitted to the DBA. With the confidential information, *Contractor A*

was able to submit bids low enough to ensure that *Contractor A* was awarded City of Detroit demolition related contracts.

For his own financial gain, Haskins broke the law and ignored his obligations of honesty and candor to Adamo and to the citizens of our community. In doing so, he eroded the trust our community places in the City of Detroit to carry out federally funded programs designed to better our community.

SENTENCING GUIDELINE RANGE

Before applying the statutory factors of Title 18, United States Code, Section 3553, this Court must determine the applicable sentencing guideline range. The government and the Defendant stipulated to a sentencing range of 24 to 30 months' imprisonment. However, the Probation Department calculated a guideline range of 30 to 37 months' imprisonment. The increase in the guideline range is due to the following calculation by the Probation Department: the application of a 2-level enhancement, under U.S.S.G. § 2C1.1(b)(2)(C) and § 2B1.1(b)(1)(B), because the value of the charged offenses, as stated in the information and the factual basis of the Rule 11 plea agreement, exceeded \$6,500.

Because the government may not take a position concerning the applicable guidelines that is different than reflected in the sentencing worksheets (as required by paragraph 2B of the plea agreement), the government will not advocate for an

increase in the offense level based upon U.S.S.G. § 2B1.1(b)(1)(B). Accordingly, the United States respectfully requests that the Court impose a custodial sentence in the range of 24-30 months, in light of the explanation provided by the government below regarding the value of the payments and the sentencing factors applicable in this case.

APPLICATION OF 18 U.S.C. § 3553

Title 18, United States Code, Section 3553(a) requires the Court to impose a sentence that is “sufficient, but not greater than necessary” to comply with the purposes of sentencing. In order to determine the particular sentence to impose, this Court must consider the familiar statutory factors listed in § 3553(a)(1)-(7). An application of the sentencing factors to this Defendant justifies a sentence within the guideline range agreed upon by the parties.

1. Nature and Seriousness of the Offense

The nature and circumstances of the offenses are serious. Defendant disregarded his duty to perform honest work for a reputable and well-known demolition company and then accepted bribes while serving the community as a public official. Haskins’s actions demonstrated patent disrespect for his duties and responsibilities to carry out a federally funded program with honesty and integrity. His criminal activity was not the result of a spontaneous decision borne

out of financial distress; rather, Haskins, solely for greed, accepted bribes for many years, and it was within his sole power to cease his criminal activity at any point before the federal investigation commenced. Significantly, Haskins corrupted an important federal program by giving unearned preferential treatment to a contractor undeserving of such preferential treatment.

The seriousness of Haskins's conduct is reflected in the guidelines, in part, by an increase in the guideline range based upon the total amount of bribes he accepted. The Probation Department and the parties differ in the value assigned to the bribes for the following reason: for purposes of the charging document and the factual basis, the clearest method by which to identify payments was to set forth the exact dollar amount on the checks written by *Contractor A*. However, the parties agree that Haskins did not always receive from *Contractor A* the precise amount written on each check, particularly when Haskins was employed by the City. On at least several occasions, *Contractor A* paid Haskins an uncertain sum of cash derived from checks cashed by *Contractor A* (not Haskins). Thus, the government has not and does not advocate that Haskins received the full amounts of each check identified in the Information. Accordingly, the government did not require Haskins to agree, before or during the plea hearing, that the dollar amount he accepted as a public official exceeded \$6,500.

Regardless of the precise amount Haskins received, Adamo, the Treasury Department, and the citizens of this community relied upon Haskins to act without the influence of self-interest. Instead, recognizing that he was in positions to control important decisions relating to federally funded contracts, Haskins exploited his positions for his personal benefit. Any employee of a private sector recipient of federal program monies or city official who participates in such a greedy scheme erodes the public trust. A term within the guideline range of 24 – 30 months is necessary to reflect the nature and seriousness of these types of offenses.

2. *Characteristics of the Defendant*

Haskins was provided the virtues necessary to live a law-abiding life and to understand the consequences of choosing not to do so. Although his parents divorced, Haskins, in his own words, described his mother as “always there for him” and that they “have a close relationship.” (PSR ¶ 52). Given the support from his mother and his siblings, who appear from the PSR to be proper influences, Haskins could have been a successful and law abiding citizen. Instead, he chose to employ his skills to enrich himself by serving as a cog in a scheme that deprived participants in the demolition program of accurate and reliable information. Instead of working legitimately, he made a deliberate choice, not in

the heat of passion, but after careful deliberation. His willingness to abuse the trust Adamo and the public placed in him, in exchange for cash, speaks significantly about his character and integrity and justifies a custodial sentence.

It is also significant that when federal law enforcement gave him repeated opportunities to admit his criminal conduct, he declined. Instead, at every turn in the investigation (prior to his representation by current defense counsel), Haskins lied. To his credit, Haskins eventually admitted his conduct to law enforcement. However, his early deception and unwillingness to be candid with federal law enforcement diminished the value of his eventual candor.

3. *Reflect the Seriousness of the Offense, Promote Respect for the Law, and Provide Just Punishment*

Sadly, over the past decade, the citizens of Detroit have been front row to public corruption in their City government. A sentence outside the guideline range for a corrupt public official would send the wrong message to other public officials and those responsible for carrying out federally funded programs. Given the Defendant's positions at the time of the offenses, it is crucial that the Court's sentence address the seriousness of breaching the public trust and also promotes respect for the law. The public should know that the justice system will punish those in the private sector who receive federal program funds and public officials

who break the law and break the public trust. A custodial sentence will send the message that no one is above the law, especially those entrusted to uphold the law.

4. *Deterrence to Criminal Conduct and Protection of the Community*

A custodial sentence is necessary to deter others from engaging in criminal activity of this nature. The justice system must send the appropriate message to those who are inclined to disregard the laws obligating them to honest services and public service unmarred by greed -- a clear message that the justice system will punish such conduct.

Large federally funded programs are especially vulnerable to corruption. Billions of federal dollars are overseen by public officials and used by the private sector in this state and across the country. Public officials and private sector employees will be tempted to use their positions and access to federal monies for their own benefit. Those classes of individuals need to know there are severe consequences for violating the public trust. A substantial sentence in this case will demonstrate to them and to the citizens of the region that corruption will be seriously addressed and punished when discovered.

Officials who are inclined in this direction are capable of being deterred and word of significant penalties for such conduct travels quickly and widely within their professional and personal networks. A sentence within the guideline range

would send the message that there are serious consequences for public corruption and, accordingly, should have a significant deterrent effect. As noted in *United States v. Peppel*, 707 F.3d 627 (6th Cir. 2013), because white-collar crimes are “more rational, cool, and calculated than sudden crimes of passion or opportunity, these crimes are prime candidates for general deterrence.” *Peppel*, 707 F.3d at 637 (quoting *United States v. Martin*, 455 F.3d 1227, 1240 (11th Cir. 2006)). And, as aptly stated by a federal court plagued by corruption in its district:

Unlike some criminal justice issues, the crime of public corruption can be deterred by significant penalties that hold all offenders properly accountable. The only way to protect the public from the ongoing problem of public corruption and to promote respect for the rule of law is to impose strict penalties on all defendants who engage in such conduct, many of whom have specialized legal training or experiences. Public corruption demoralizes and unfairly stigmatizes the dedicated work of honest public servants. It undermines the essential confidence in our democracy and must be deterred if our country and district is ever to achieve the point where the rule of law applies to all -- not only to the average citizen, but to all elected and appointed officials.

United States v. Spano, 411 F.Supp.2d 923, 940 (N.D. Ill. 2006).

In light of the damage Haskins has done to the integrity of the demolition program, a guideline range sentence is necessary to sufficiently punish Haskins and to renew public confidence in the rule of law.

5. *The Need to Provide the Defendant with Educational or Vocational Training, Medical Care, or Other Correctional Treatment in the Most Effective Manner*

This sentencing factor, as well, justifies a custodial sentence. Haskins likely will no longer be employed as a public official or a high ranking employee in a demolition company. A custodial sentence would expose him to further education and long-term trades.

6. *The Need to Avoid Unwarranted Sentence Disparities Among Defendants with Similar Records Who Have Been Found Guilty of Similar Conduct*

While the sentencing guidelines are advisory, they remain the sole means available for assuring some measure of uniformity in sentencing, fulfilling a key Congressional goal in adopting the Sentencing Reform Act of 1984. Accordingly, the Supreme Court has held that “district courts must begin their analysis with the Guidelines and remain cognizant of them throughout the sentencing process” in order to assure fair, proportionate, and uniform sentencing of criminal offenders. *Gall v. United States*, 552 U.S. 38, 50 n.6 (2007). The government is confident that this Court will do so.

RESTITUTION AND FORFEITURE

The government has contacted Adamo and the governmental entities that, theoretically, might have a claim to restitution: the City of Detroit, The Office of the Special Inspector General for the Troubled Asset Relief Program (SIGTARP),

and the United States Treasury Department. Each has declined to ask for restitution. Therefore, as noted in the Presentence Investigation Report, no restitution is requested. (PSR ¶ 64).

Regarding forfeiture, as set forth in the plea agreement, the parties have agreed to the Court's entry of an order of forfeiture in the amount of \$26,500, the amount the defendant personally obtained as bribe payments. (PSR ¶ 5; Plea Agreement, pages 8-9).

CONCLUSION

Haskins's conduct was a direct affront to the trust our society places in private sector employees responsible for bettering our community and local public officials; his sentence should reflect the harm his conduct caused as well as the need to deter future offenders.

Respectfully submitted,

SAIMA MOHSIN
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Acting Under Authority
Conferred by 28 U.S.C. § 515

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Dated: August 16, 2019

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2019, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

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